

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

July 13, 2020

Mr. Tony R. Moore  
Western District of Louisiana, Lake Charles  
United States District Court  
300 Fannin Street  
Suite 1167  
Shreveport, LA 71101-0000

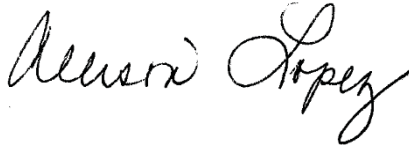
No. 19-30317      USA v. Maurice Speights  
                              USDC No. 2:18-CV-1072  
                              USDC No. 2:15-CR-46-1

Dear Mr. Moore,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in black ink, appearing to read "Allison Lopez", written in a cursive style.

By: \_\_\_\_\_  
Allison G. Lopez, Deputy Clerk  
504-310-7702

cc: Ms. Camille Ann Domingue  
Mr. Maurice Antuan Speights

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

\_\_\_\_\_  
No. 19-30317

\_\_\_\_\_  
D.C. Docket No. 2:18-CV-1072

United States Court of Appeals  
Fifth Circuit

**FILED**

May 19, 2020

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

MAURICE ANTUAN SPEIGHTS,

Defendant - Appellant

Appeal from the United States District Court for the  
Western District of Louisiana

Before HAYNES, GRAVES, and ENGELHARDT, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal.

It is ordered and adjudged that the judgment of the District Court is affirmed.



Certified as a true copy and issued  
as the mandate on Jul 13, 2020

Attest:

*Lyle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 19-30317  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

May 19, 2020

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MAURICE ANTUAN SPEIGHTS,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 2:18-CV-1072  
USDC No. 2:15-CR-46-1  
\_\_\_\_\_

Before HAYNES, GRAVES, and ENGELHARDT, Circuit Judges.

PER CURIAM:\*

Maurice Antuan Speights, federal prisoner # 23322-017, was convicted by jury verdict of sexual abuse of a person who was mentally or physically unable to decline and was sentenced to 121 months of imprisonment, five years of supervised release, and \$3,570 restitution. He moves for a certificate of appealability (COA) to appeal the denial of his motion to alter or amend judgment, pursuant to Federal Rule of Civil Procedure 59(e), in which he

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 19-30317

argued that the district court erred by denying his 28 U.S.C. § 2255 motion without conducting an evidentiary hearing. He repeats those arguments from his Rule 59(e) motion before us and does not challenge his underlying claims directly. His motion for appointment of counsel is denied.

A COA is not required to appeal the denial of an evidentiary hearing in a § 2255 proceeding. *See Norman v. Stephens*, 817 F.3d 226, 234 (5th Cir. 2016). We therefore construe Speights's motion for a COA as a direct appeal of that issue. Because the record established that Speights could not prove a necessary element to establish ineffective assistance of counsel, the district court did not abuse its discretion by denying his § 2255 motion without conducting an evidentiary hearing. *See United States v. Walker*, 68 F.3d 931, 934 (5th Cir. 1995).

AFFIRMED; MOTIONS FOR A COA AND APPOINTMENT OF COUNSEL DENIED.